

JONES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID ZILKHA : 1: 09 cv 09165(BSJ) (GWG)
vs. :
CONUS PARTNERS INC., ET AL : February 1, 2010


NOTICE OF WITHDRAWAL

Pursuant to Local Rule 1.4, Attorneys Norman A. Pattis and Kelly A. Rommel hereby move to withdraw from said action for the following reasons:

1. The undersigned and Attorney Pattis were counsel of record for the plaintiff in the above-captioned action in Connecticut;
2. The above-action was filed in the District of Connecticut on or about December 22, 2008;
3. On or about October 19, 2009, said action was ordered transferred from the District of Connecticut to the Southern District of Connecticut (Underhill, J.);
4. Neither Attorney Pattis nor the undersigned is admitted to practice in New York and have not appeared in said matter in New York;
5. In addition, the attorney-client relationship has broken down and an actual conflict of interest has arisen between the plaintiff and the Law Offices of Norman A. Pattis, LLC;
6. The plaintiff is persisting on a course of conduct that our offices believe is unreasonable;
7. The plaintiff has hired successor counsel to replace the Law Offices of Norman A. Pattis for his state court pending matters in the State of Connecticut;

7. Prior to the plaintiff hiring successor counsel for his pending state court matters, the State of Connecticut, Judicial District of Stamford granted a motion to withdraw filed by the Law Offices of Norman A. Pattis, LLC based on the same conflict of interest and breakdown in communications;
8. Plaintiff's successor counsel has instructed the Law Offices of Norman A. Pattis, LLC to not have any further contact with the plaintiff (Exhibit A);
9. In addition, plaintiff's successor counsel has informed counsel for the defendants in this action that it does not intend to appear to represent the plaintiff (Exhibit B).

THE PLAINTIFF


KELLY A. ROMMEL
Fed Bar No. ct27776
Law Offices of Norman A. Pattis, LLC
649 Amity Road
Bethany, CT 06524
(203) 393-3017
(203) 393-9745 (fax)
krommel@pattislaw.com

SO ORDERED:


USDJ

2/5/10

CERTIFICATION

This is to certify that on the above-date, a copy of the foregoing was mailed to the following parties and counsel of record:

M. William Munno
Seward & Kissel LLP
One Battery Park Plaza
New York, NY 10004

David Zilkha
214 North Georges Hill Road
Southbury, CT 06488



KELLY A. ROMMEL

EXHIBIT A

01/19/2010 TUE 19:55 FAX 8607600308 Crumblaw Law Group

0001/004



CRUMBIE
LAW GROUP
LLC

CORPORATE GOVERNANCE GROUP
MUNICIPAL AND BUSINESS LITIGATION GROUP
INVESTIGATIVE SERVICES GROUP

Via Certified Mail, Fax, and Electronic Mail (2 pages)

January 20, 2010

Norman A. Pattis, Esq.
Law Offices of Norman A. Pattis, LLC
649 Amity Road
Bethany, CT 06524

Fax: 203-393-9745
Email: Napatty1@aol.com

Re: David Zilkha Files

Dear Attorney Pattis,

We are writing you on behalf of our client, David Zilkha, regarding his legal files in several cases which you represented Mr. Zilkha, specifically Zilkha v. Zilkha (Superior Court Docket No. FA-03-0196546-S), Kaiser v. Zilkha (Superior Court Docket No. CV-09-5012425-S), Zilkha v. Conus Partners (District Court Docket No. 3:08 CV 1934 (SRU) and SDNY Docket No. 1:09-cv-09165 (BSJ) (GWG), and Zilkha v. Pequot Capital Management, Inc.

Although this is a matter that perhaps would be best addressed informally by telephone or in person, given the overall context of your relationship with Mr. Zilkha, it is unfortunately more appropriate for us to formally raise the issue addressed below in writing.

It is our understanding that, on or about January 12, 2010, you provided Mr. Zilkha with numerous documents related to his files. Unfortunately, there appears to be a substantial number of documents missing from what you provided to Mr. Zilkha. As just one example, the files you provided to Mr. Zilkha contained less than a dozen pleadings and motions from the family law case despite the fact that there are literally hundreds of documents appearing on the court docket sheet during the period in which you represented Mr. Zilkha. Similarly, most of the pleadings and motions in the Conus Partners case were not provided.

We ask that you immediately provide any additional documents to our office that were not provided to Mr. Zilkha last week. If you are unable to provide your pleadings file for the course of your representation of Mr. Zilkha, we will expect you to reimburse Mr. Zilkha for the costs of obtaining those documents from the relevant courts. We ask that you provide the remaining documents, including your entire pleading file in Zilkha v. Zilkha, no later than Monday, January 25, 2010.

01/19/2010 TUE 19:55 FAX 8607600308 Crumblie Law Group

01/20/2010

Letter to Attorney Pattis
David Zilkha Files
01/20/2010

We are also aware that you have communicated with our client regarding the end of your representation. We ask that, going forward, you cease direct communications with Mr. Zilkha and instead address any issues with our office.

We will not belittle you with a recitation of the ethics rules involved regarding Mr. Zilkha's files, your duties to him during the course of or after your representation of him, or the propriety of your communications to him after it became apparent that your attorney-client relationship had reached a breaking point. Instead, we encourage you to obtain counsel and inform us of the identity of that counsel at your earliest convenience.

In the mean time, we ask that you provide any other documents related to Mr. Zilkha's files as soon as possible in light of his pressing need to obtain his **complete files** and the fast approaching hearing dates related to the family law case.

Sincerely,



Mark Dumas
mark@crumblelaw.com

cc: David Zilkha

EXHIBIT B

From the desk of M. William Munno

Page 1 of 1

Subj: **From the desk of M. William Munno**
Date: 1/26/2010 11:09:00 A.M. Eastern Standard Time
From: munno@sewkis.com
To: mark@crumbielaw.com, napatty1@aol.com, krommel@pattislaw.com
CC: Andrew@Crumbielaw.com, Henri@Crumbielaw.com
Dear Mr. Dumas:

This email is to confirm our telephone conversation yesterday afternoon during which you advised that the Crumbe firm is *not* appearing for Mr. Zilkha in the action against Conus Partners and Mr. Zacks, but rather only in connection with state court actions Mr. Zilkha is involved with in Connecticut.

I am sending a copy of this email to the lawyers at the Pattis law firm so that it is clear that the Crumbe firm is not appearing for Mr. Zilkha in this action.

Bill Munno

M. William Munno
Partner
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